



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

June 16, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lowell Keller, Chair
Big Valley and Crossed Arrows Home Owners Association
P.O. Box 33
Meeteetse, Wyoming 82433

Re: Administrative Order
Docket No. **SDWA-08-2004-0031**
Big Valley and Crossed Arrows
Home Owners Association
PWS ID #5601193

Dear Mr. Keller:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq. and its implementing regulations. Among other things, the Administrative Order finds that Big Valley and Crossed Arrows Home Owners Association (the System) located in Meeteetse, Wyoming is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.21, 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) for: exceedance of the monthly MCL for total coliform bacteria; failure to collect repeat samples after a total coliform positive sample; failure to collect 5 additional routine samples the month following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report violations of NPDWRs to EPA within 48 hours of the discovering the violation.

If the System complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order.



Printed on Recycled Paper

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the System to comply.

Among other things, the Order calls for the System to provide a public notification for certain monitoring requirements that were not met. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Jackson Naftel of EPA, whose telephone number is provided below.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Jackson Naftel at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. Naftel at (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. Naftel. If the Home Owners Association is represented by an attorney please feel free to have your attorney call Peggy Livingston at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
Public Notice forms
SBREFA information sheet



Printed on Recycled Paper

cc: Larry Robinson, WY DEQ
Dr. Karl Musgrave, WDH



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>**

June 16, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Park County Commission
c/o Tim Morrison, Chair
1002 Sheridan Avenue
Cody, Wyoming 82414

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Big Valley and Crossed Arrows
Home Owners Association
PWS ID #WY5601193

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Big Valley and Crossed Arrows Home Owners Association located in Park County, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System has violated 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.21, 141.201, 141.21(g)(1), 141.21(g)(2); and 141.31(b) for: exceedance of the monthly MCL for total coliform bacteria; failure to collect repeat samples after a total coliform positive sample; failure to collect 5 additional routine samples the month following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform bacteria MCL violations to EPA by the end of the next business day after discovering the violation; failure to report total coliform monitoring violations



Printed on Recycled Paper

to EPA within 10 days of discovering the violation; and failure to report violations of NPDWRs to EPA within 48 hours of the discovering the violation.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Jackson Naftel at (303) 312-6362.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



Printed on Recycled Paper

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
Big Valley and Crossed Arrows Home)	
Owners Association)	
Meeteetse, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	Docket No. SDWA-08-2004-0031
)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act or SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Big Valley and Crossed Arrows Home Owners Association (Respondent) is an association and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Big Valley and Crossed Arrows Home Owners Association Water System (the System) located in Park County, Wyoming for the



provision to the public of piped water for human consumption.

3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a November 21, 2002 sanitary survey by an agent for EPA, the system is supplied solely by ground water consisting of one well. The System serves approximately 45 persons daily, during its year-round operational season through 14 service connections.

FINDINGS OF VIOLATION

I.



1. 40 C.F.R. § 141.21 requires community public water systems to monitor their water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month being allowed to be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during August 2003 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples after having been notified that samples taken in July and August 2003 were positive for total coliform, in violation of 40 C.F.R. § 141.21(b).

III.



1. 40 C.F.R. § 141.21(b) (5) requires any public water system that collects fewer than 5 routine samples per month and has one or more total coliform positive sample(s) to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in September 2003 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b) (5).

IV.

1. 40 C.F.R. § 141.21 requires each community public water systems to monitor its water at least once per month that the system is serving the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during January 2004 and March 2004, in violation of 40 C.F.R. § 141.21.

V.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation (NPDWR) violations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique



(TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections I, II III and IV in violation of 40 C.F.R. § 141.201.

VI.

1. 40 C.F.R. § 141.21(g) (1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violation detailed in Section I, in violation of 40 C.F.R. § 141.21(g) (1).

VII.

1. 40 C.F.R. § 141.21(g) (2) requires any public water system that has failed to comply with a total coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections II, III and IV in violation of 40 C.F.R. § 141.21(g) (2).

VIII.



1. 40 C.F.R. § 141.31(b) requires that public water systems shall report any failure to comply with the NPDWRs to EPA within 48 hours.
2. Respondent failed to report to EPA within 48 hours the instances of noncompliance detailed in Section IV, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the total coliform monitoring requirements as stated in 40 C.F.R. § 141.21 to determine compliance with the total coliform MCL appearing at 40 C.F.R. § 141.63. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b)(1). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed



for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

3. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive sample(s) in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
4. No later than August 1, 2004, Respondent must comply with the public notice requirements set forth at 40



C.F.R. § 141.201 et seq. to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205.

Specifically, Respondent must provide public notice of the total coliform MCL violation, failure to collect repeat samples after a total coliform positive sample, failure to collect additional routine samples the following month after a total coliform sample, and failure to monitor for contamination by total coliform bacteria in accordance with 40 C.F.R. § 141.204.

Public Notice must be given by any one of the following methods: (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the



notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System discovers the violation.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
7. Reporting requirements specified in this Order shall be provided by certified mail to:

Jackson Naftel
U. S. EPA Region 8 (8ENF-W)



999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order, instituted under Section 1414(g) (3) (A) of the Act, 42 U.S.C. § 300g-3(g) (3) (A), may subject Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g) (3) (B) of the Act, 42 U.S.C. § 300g-3(g) (3) (B), or a civil penalty of not more than \$32,500 per day of violation, assessed by a U.S. District Court, under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).
3. Violation of any requirement of the SDWA or its implementing regulations, instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. District Court, under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).





Printed on Recycled Paper

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 16TH day of June, 2004.

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Dianne L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JUNE 16, 2004.

